

**REMARKS**

Claims 1 and 3-7 have been canceled, without prejudice, in *the interest of allowing the present application to proceed to issuance without delay.*

Applicants gratefully acknowledge that Claims 8 and 10-14 have been allowed.

Claim 15 has been *amended to depend on the allowed independent Claim 8, without prejudice, in the interest of allowing the present application to proceed to issuance without delay.*

New Claim 16 has been introduced, dependent on Claim 8, support for which may be found in the original claim 6.

Care has been taken not to introduce any new matter.

### ***The Present Invention***

The present invention relates to a cosmetic composition for skin and hair which delivers a moisturizing effect, without a sticky sensation. The cosmetic non-sticky moisturizer for skin and hair includes

- (a) at least about 10% by weight of the composition of a polyhydric alcohol humectant;
- (b) about 0.01% to about 10% of a polymeric wetting agent which forms a uniform film in a Wetting Test;
- (c) an elastomer;
- (d) a cosmetically acceptable vehicle.

The moisturizing capabilities of humectants, such as glycerol and sorbitol, are concentration dependent. Unfortunately, when incorporated into formulations at concentrations above 10%, they confer a sticky, tacky feeling. Due to this unpleasant consumer sensory experience, formulations containing higher levels of humectants are, for the most part, not commercially acceptable. The present invention meets the need for commercially acceptable moisturizing compositions containing higher levels of humectants. The polymeric wetting agent may be an amphipathic block copolymer, a polymer containing a hydrophilic backbone modified with hydrophobic groups, or mixtures thereof AND, *specifically, the polymeric wetting agents are selected for inclusion in the inventive compositions by testing the polymer in a Wetting Test.*

The data in Tables A and B at page 5 of the present specification show that not all polymers form a uniform film in a Wetting Test. For example, while Pemulen TR2 forms a uniform film, Carbopol 981 does not. *The cited art does not disclose or suggest the selection of polymers that meet the Wetting Test in order to avoid stickiness in compositions containing more than about 10 % polyhydric alcohol.*

**There is No Obviousness under 35 USC § 103 Over Beerse et al.**

Claims 1, 3-7 and 15 were rejected under 35 USC 103(a) as being unpatentable over Beerse et al. (US 6,294,186). Claims 1 and 3-7 have been canceled and Claim 15 has been amended to depend on the allowed Claim 8, with traverse (for the reasons previously presented) and without prejudice, *in the interest of allowing the present application to proceed to issuance without delay*. Accordingly, this rejection has been rendered moot.

A Notice of Allowance is courteously solicited.

Respectfully submitted,



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